



PTO/SB/21 (09-04)

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<b>TRANSMITTAL FORM</b> (to be used for all correspondence after initial filing)	Application Number	09/777,098
	Filing Date	February 5, 2001
	First Named Inventor	Robert Bernstein
	Art Unit	3622
	Examiner Name	J. Carlson
Total Number of Pages in This Submission	Attorney Docket Number	4707-81342

**ENCLOSURES (Check all that apply)**

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Substance of Interview under MPEP 713.04; Return Receipt postcard
<b>Remarks</b> Applicant believes no fee is due, however if the Commissioner deems fee necessary, please charge deposit account 23-0920.		

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm Name	Welsh & Katz, Ltd.		
Signature			
Printed name	Jon P. Christensen		
Date	August 8, 2007	Reg. No.	34,137

**CERTIFICATE OF TRANSMISSION/MAILING**

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Signature			
Typed or printed name	Gloria O'Bannon	Date	August 8, 2007

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81342

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor: Robert Bernstein Art Unit: 3622  
Serial No.: 09/777,098  
Filed: February 5, 2001  
For: METHOD AND APPARATUS FOR  
IDENTIFYING CUSTOMERS FOR  
DELIVERY OF PROMOTIONAL MATERIALS  
Examiner: Carlson, J.  
Attorney  
Docket No.: 81342

SUBSTANCE OF INTERVIEW UNDER MPEP §713.04

Commissioner for Patents  
Washington, D.C. 20231

Sir:

In reply to the Interview Summary of May 21, 2007, the applicant responds  
as follows:

## Substance of Interview

On July 18, 2007, Examiner and applicant discussed the Office Action of May 21, 2007. Applicant asserts that the Oytac and Taricani references could not be combined because the use of private data for advertising purposes would be prohibited. Examiner agreed to consider arguments on receiving the response.

Closing Remarks

For the foregoing reasons, applicant submits that the subject application is in condition for allowance and earnestly solicits an early Notice of Allowance. Should the Primary Examiner be of the opinion that a telephone conference would expedite prosecution of the subject application, the Primary Examiner is respectfully requested to call the undersigned at the below-listed number.

The Commissioner is hereby authorized to charge any additional fee which may be required for this application under 37 C.F.R. §§ 1.16-1.18, including but not limited to the issue fee, or credit any overpayment, to Deposit Account No. 23-0920. Should no proper amount be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 23-0920. A duplicate copy of this sheet(s) is enclosed.

Respectfully submitted,  
WELSH & KATZ, LTD.

By

  
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August 8, 2007  
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